



Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact support@jstor.org.

MASTER AND SERVANT—WILLFUL INJURIES BY SERVANTS—ALLEGATIONS.—In an action against the receivers of a corporation for a willful injury inflicted by one of its servants in the course of his employment upon the plaintiff, it was alleged in the complaint that "said receivers, through their agents, servants, or employees, while acting within the line and scope of their authority, wantonly, willfully, or intentionally injured the plaintiff." *Held*, the charge involves the affirmative participation of the defendant in the act, and in order to sustain the allegation, proof of actual participation on the part of the defendant receivers in the damnifying act was essential. *Newberry v. Atkinson* (Ala.), 64 So. 46.

The liability of a corporation for the willful wrongs of its servants done in the scope of their employment is now undoubted. *Ry. Co. v. Brown*, 113 Ga. 414, 38 S. E. 989, 84 Am. St. Rep. 250; *Singer Sewing Machine Co. v. Phipps*, 49 Ind. App. 116, 94 N. E. 793. This liability is consequential upon the servant's unauthorized act, and the action against the master is in case. *Ry. Co. v. Hanby*, 166 Ala. 641, 52 So. 334.

In the principal case the court draws the distinction between the actions of trespass and case, holding that the allegation there set forth an action in trespass. The logical conclusion, therefore, says the court, is that plaintiff must prove that the receivers of the corporation either actually took part in the wrongful act of the servant or else ordered or ratified the act. The court fails to note that although the allegation sets forth a direct injury to the plaintiff by the servant of the corporation, it expressly charges the defendant with liability only as acting through its servant, a consequential and indirect liability.

It is evident that the directors or receivers of a corporation do not take part in the wanton acts of the employees of the corporation. To hold that the plaintiff must show actual participation of the directors of the corporation in the willful acts of its servants is practically to deny a remedy for a substantive right which the court admits to exist in the plaintiff.

MUNICIPAL CORPORATIONS—CUTTING WEEDS.—Statute required landowners to cut noxious weeds growing on the public highway and made the cost of cutting the same a lien on the abutting property in case the work was done by the county. *Held*, statute is valid as a proper exercise of the police power and not unconstitutional as a deprivation of property without due process of law. *Northern Pac. Ry. Co. v. Adams County* (Wash.), 138 Pac. 307.

This decision is based on cases in which similar ordinances requiring property owners to remove snow and ice from the sidewalk in front of their premises have been upheld. The same principle is said to control but it is very doubtful whether this principle is sound.

It is the duty of municipal corporations to take care of and repair the streets. *Ring v. Cohoes*, 77 N. Y. 83, 33 Am. Rep. 574. Sidewalks are part of the street. *City of Frankfort v. Coleman*, 19 Ind. App. 368, 49 N. E. 474, 65 Am. St. Rep. 412. The cases on which the decision in the principal case is based uphold ordinances requiring the removal of snow and ice by abutting landowners as police regulations on the

ground of greater convenience. *Re Goddard*, 16 Pick. 504, 28 Am. Dec. 259; *Village of Carthage v. Frederick*, 122 N. Y. 268, 25 N. E. 480, 19 Am. St. Rep. 490, 10 L. R. A. 178. Some courts have even gone so far as to say that such ordinances are valid as local assessments under the taxing power. *State v. McMahon*, 76 Conn. 97, 55 Atl. 591; *State v. McCrillis*, 28 R. I. 165, 66 Atl. 301, 9 L. R. A. (N. S.) 635.

The sounder view is that these ordinances are invalid both as police regulations and as special tax assessments, since under the former an unequal burden is imposed upon a certain class of citizens and under the latter no peculiar benefits are received. *State v. Jackman*, 69 N. H. 318, 41 Atl. 347; *Gridley v. City of Bloomington*, 88 Ill. 554, 30 Am. Rep. 566; *McGuire v. District of Columbia*, 24 App. Cas. D. C. 22, 65 L. R. A. 430.

If the duty to keep the pavements clean can be put upon the adjacent landowners why may not the rule be extended to its logical conclusion and they be required to keep the whole street in repair? The principal case seems to have made such an extension and the validity of the decision may well be questioned. It can hardly be maintained that the destruction of noxious weeds in the highway as an aid to the eradication of weeds on the abutter's land constitutes a peculiar and sufficient benefit within the meaning of the tax laws.

NEGLIGENCE—VIOLATION OF CITY ORDINANCE.—The plaintiff while driving at night collided with the defendant's lumber wagon which was not equipped with lights as required by a city ordinance. by reason of which the plaintiff's automobile was damaged. *Held*, the defendant is guilty of negligence *per se*. *Connell v. Harris* (Cal.), 138 Pac. 949. See NOTES, p. 558.

STATUTES OF LIMITATION—CONTEMPORANEOUS WAIVERS.—The defendant executed a bond in which he waived the statute of limitations as to the bond. The plaintiff brought an action on the bond after the time prescribed by the statute had expired. The defendant pleaded the statute in bar of the action. *Held*, he can do so. *Mutual Life Ins. Co. v. U. S. Hotel Co.*, 144 N. Y. Supp. 576. See NOTES, p. 565.